

Charles J. "Chuck" Bitting
HC 73, Box 182-A
Marble Falls, AR 72648

VIA electronic delivery (ImpairedWaterbodies_Comments@adeq.state.ar.us)

March 11, 2016

Mr. Jim Wise
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118

Dear Jim:

It was great to meet you last week at the 303(d) meeting and hearing. I am very glad you were present, as you appeared to be the only staff member who has a good grasp on the creeks and rivers of Arkansas. Without your presence, I feel the meeting would have been a total failure. As a resident of Newton County, Arkansas, a land owner along the Little Buffalo River, and someone who has loved the Buffalo River and its watershed for most of my life, I am writing this letter to request any and all assistance ADEQ can give us to protect the Buffalo River and its watershed from pollution. I am directing these comments toward the Impaired Waterbodies of Arkansas 303(d) list for 2016.

When the U.S. Constitution was framed two-hundred and twenty-nine years ago in 1787, the founding fathers required the citizens of this great nation to be active in their own governance. For many years, I have not been active. When ADEQ issued the permit (illegally in my opinion) for C&H Hog Farm, Inc. (permit tracking number ARG590001), I awoke from my blissful slumber. Now, in my small way, I am taking an active role in my government. There are many like-minded individuals I interact with regularly. Some are awake, while others are still asleep. I know first-hand that bureaucrats can have a difficult time dealing with outside activists. The purpose of the activists is to keep the government honest. Like it or not, it seems to me that activism is a Constitutional requirement for all citizens of the U.S.

I have had the great good fortune to live along the Buffalo River and the Little Buffalo River for most of the past 30 years. During this time, I have witnessed numerous cases of surface and groundwater pollution from poor waste disposal practices. On one groundwater dye trace I conducted, we injected fluorescein dye into a sinkhole full of cattle carcasses in the Crooked Creek watershed, a couple of miles from the watershed boundary. The green-dyed water went into the karst below as quickly as we could pump it in with a fire hose. A few days later, the dye was detected in the Buffalo River watershed coming from one of the big springs at the former Dogpatch USA theme park. I have also witnessed raw human sewage running into Mill Creek from a failed lift station in the same area. The sewage rapidly disappeared into the karst groundwater. Only a few years ago, the grand-daughter of a friend of mine became deathly ill after playing in Mill Creek. Immediate and aggressive medical intervention saved her life. This is not

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something I want to see recur on Mill Creek, the Buffalo River, or any other stream in our great State. Once in the groundwater, that raw sewage can move rapidly to the Buffalo River, potentially re-surfacing in diverse locations through a distributary system of interconnected conduits.

As a landowner who relies upon clean water everyday, I take offense to ADEQ's failure to consider the readily available water quality data showing impairment of Mill Creek with E. coli bacteria. As someone who used to routinely collect water and air quality data for ADEQ and NPS, I am ashamed of your agency's disregard of the NPS data, particularly since I know for a fact that the two agencies have partnered in collecting and analyzing this data for more than 25 years. What will my grandchildren think if their beloved swimming hole on the Little Buffalo gets polluted with E coli, and we no longer let them swim there? After seeing how poorly ADEQ has dealt with the water quality problems on Mill Creek the past 6+ years, I don't think this is a far-fetched question. In fact, after reading the plethora of documents regarding the Marble Falls Suburban Improvement District waste water treatment plant and collection system (Permit Tracking Number ARR0034088), I fervently hope that ADEQ would take more meaningful actions should the Little Buffalo become impaired by raw sewage like Mill Creek has. I know most citizens of The Natural State feel the same about their particular favorite streams!

As someone who likes to float fish the rivers, especially Blue Ribbon Smallmouth Bass streams like the Buffalo River, I am equally dismayed by the failure of ADEQ to adequately review the dissolved oxygen depressions in Newton County's Big Creek and Searcy County's Bear Creek. Oxygen is vital for all game fish, and the crayfish, minnows, and aquatic insects they rely upon. The data was collected by the USGS using state-of-the-art monitoring equipment. The data has been readily available to ADEQ staff on the USGS Arkansas Water Science Center website for station 07055814 (Big Creek) and station 07056515 (Bear Creek). I find it hard to believe that ADEQ cannot use this data to evaluate the degree of impairment of these two streams. It appears to me that ADEQ does not want to admit impairment on either stream. I have to wonder if this decision is based more on politics than science. From what I have witnessed at Pollution Control and Ecology Commission meetings the past few years, I would not be surprised if this was true.

I have long held most of the staff at ADEQ in the highest regard. In both my public and private lives, I have enjoyed the friendship and the pleasure of collaborating with several members of the water, air, and mining divisions. I hope that an ember of the spirit of friendship, professionalism, cooperation, and collaboration which I have enjoyed most of the past 30 years is still glowing. I must admit that I am beginning to doubt it.

I am very shocked that ADEQ will not consider data which falls after March 31, 2015 in their review. I am even more shocked when this data clearly shows impairment when evaluated against Regulation 2. Regulation 2 has been through formal legal review, the "Draft Assessment Methodology" has not. I doubt that ADEQ's bull-headed reliance

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upon a document clearly marked as "draft" versus a legally enacted State Regulation for determining which streams are impaired, and which are not, will withstand the withering scrutiny of a legal challenge.

All rivers and creeks are important. I grew up on a little tributary to the James River in southwest Missouri which is in turn a tributary to the mother stream of the Ozarks, the White. This little stream, Sayer Creek, was my favorite place to spend time as a kid, even though it was small and highly impacted by agricultural and road maintenance practices. I spent most of my summers swimming or fishing the creek. I hunted small game and trapped raccoons, opossums, fox, and coyotes along the creek in the winter. I floated down the creek on numerous occasions on an inner-tube or inflatable raft. I hauled water from this creek in on open tank in the back of our pickup truck to water our livestock when our ponds and well failed in the 1980 drought. This little stream, though it is very dear to my heart, cannot even begin to compare with the majesty of its sibling, the Buffalo River. When I visited the Ponca Wilderness and saw first-hand such glorious sites at Big Bluff, Hemmed-In-Hollow, or went to nearby sites such as Lost Valley, and Boxley Bat Cave as a teenager and young man, my soul was smitten. My love for this place remains after spending the past 29 years here. Just like a good wine, the Buffalo gets better with time. I will not rest till I am sure the Buffalo River is protected, and I am sure many of my friends and colleagues feel the same!

In closing, I plead with you to do a favor for all Arkansans, and indeed all citizens of the United States. Please place Mill Creek, Big Creek, and Bear Creek on the 303(d) list as required by Regulation 2. This will allow for a more collaborative watershed management approach for these streams as envisioned in Regulation 2.203, and as mandated in 40 CFR 131.12(a)(3) for Outstanding National Resource Waters (Tier 3 streams) such as the Buffalo River. Citizens and regulators must be able to work together to make these streams safe for primary contact recreation and productive fish and wildlife habitat. Barriers to this collaboration must be removed. This will save Arkansas taxpayers considerable money and you will sleep better at night!

Thank you for considering my comments. I look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck', with a long horizontal flourish extending to the right.

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Cc delivered via email:

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